

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

GLEN D. SMALE and)	
CARLA J. SMALE,)	Civil Action
)	No. 02-CV-02721
Plaintiffs)	
)	
vs.)	
)	
LUCENT TECHNOLOGIES, INC.,)	
)	
Defendant)	

* * *

APPEARANCES:

ANDREW M. OMINSKY, ESQUIRE
On behalf of Plaintiffs

THOMAS P. BRACAGLIA, ESQUIRE
On behalf of Defendant

* * *

SECOND RULE 16 STATUS CONFERENCE ORDER

NOW, this 2nd day of May, 2003, after status conference conducted by telephone with the undersigned on this date, pursuant to Rule 16 of the Federal Rules of Civil Procedure, and by agreement of counsel,

IT IS FURTHER ORDERED that on or before May 12, 2003 plaintiffs shall provide full and complete responses to Defendant's Set I Motion for Production of Documents.

IT IS FURTHER ORDERED that all interrogatories and motions for production of documents shall be propounded and served on or before May 16, 2003. All responses shall be served on or before July 2, 2003.

IT IS FURTHER ORDERED that, in the event the within matter has not settled, counsel for all parties and all unrepresented parties shall appear before Magistrate Judge Arnold C. Rapoport in chambers at a date and time to be set by the Magistrate Judge for a settlement conference on or after July 7, 2003.

IT IS FURTHER ORDERED that, except as otherwise provided below, all discovery shall be completed by September 5, 2003.

IT IS FURTHER ORDERED that plaintiffs shall be precluded from offering the testimony of expert witnesses at trial unless on or before September 5, 2003 plaintiffs provide defense counsel with the name, address, curriculum vitae and a signed, written expert report containing the findings, conclusions and opinions, of each such witness.

IT IS FURTHER ORDERED that defendant shall be precluded from offering the testimony of expert witnesses at trial unless on or before October 6, 2003 defendant provides plaintiffs' counsel with the name, address, curriculum vitae and a signed, written expert report containing the findings, conclusions and opinions, of each such witness.

IT IS FURTHER ORDERED that all discovery motions, including motions concerning expert witnesses, shall be filed and served prior to the close of discovery. Any motions filed in

violation of this Order may be deemed waived in the absence of good cause shown.

IT IS FURTHER ORDERED that all dispositive motions, including motions for summary judgment, accompanied by a brief, shall be filed and served on or before October 30, 2003.

IT IS FURTHER ORDERED that all motions in limine shall be filed and served on or before January 5, 2004.

IT IS FURTHER ORDERED that all motions (except those relying solely on a Federal Rule of Civil Procedure) shall be accompanied by a brief, not to exceed twenty-five pages without prior leave of court. There shall be no reply briefs unless requested, or authorized, by the undersigned. Reply briefs shall not exceed seven pages and must be filed within three business days of the court's request or approval.

IT IS FURTHER ORDERED that any party filing a motion for summary judgment or partial summary judgment shall file and serve, in addition to a brief, a separate short concise statement, in numbered paragraphs, of the material facts about which the moving party contends there is no genuine dispute. The moving party shall support each such material fact with specific citations to the record, and, where practicable, attach copies of the relevant portions of the record. Failure to submit such a statement may constitute grounds for denial of the motion.

IT IS FURTHER ORDERED that any party opposing a motion for summary judgment or partial summary judgment shall file and serve, in addition to a brief, a separate short concise statement, responding in numbered paragraphs to the moving party's statement of the material facts about which the opposing party contends there is a genuine dispute, with specific citations to the record, and, where practicable, attach copies of the relevant portions of the record. All factual assertions set forth in the moving party's statement shall be deemed admitted unless specifically denied by the opposing party in the manner set forth in this paragraph.

IT IS FURTHER ORDERED that a jury trial of the within case shall commence before the undersigned on Monday, February 23, 2004, at 9:30 o'clock a.m. in Courtroom B, Edward N. Cahn United States Courthouse, 504 West Hamilton Street, Allentown, Pennsylvania, or as soon thereafter as the schedule of the court permits, following jury selection at the United States Courthouse, 601 Market Street, Philadelphia, Pennsylvania. This Order shall serve as a formal attachment for trial.

BY THE COURT:

James Knoll Gardner
United States District Judge